

THE MINUTES OF THE MEETING OF THE PLANNING
COMMISSION
OF THE CITY OF LA HABRA
August 22, 2022

CALL TO ORDER: Chair Munoz called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:30 p.m. in the Council Chamber.

PLEDGE OF ALLEGIANCE: LED BY VICE CHAIR ROJAS

PRESENT: COMMISSIONERS: MUNOZ
ROJAS
BERNIER
SURICH
MANLEY

ABSENT: (EXCUSED) COMMISSIONERS: NONE

OTHERS PRESENT: DIRECTOR: KIM
DEPUTY DIRECTOR: RAMSLAND
PLANNING MANAGER: LUI
ASSISTANT PLANNER: O'TOOLE
SECRETARY: V. LOPEZ
CITY ATTORNEY: BETTENHAUSEN

PUBLIC COMMENT

Chair Munoz asked if there was anyone in the audience that wished to speak on any item not listed on the agenda. There were none.

CONSENT CALENDAR

The Chair explained the Consent Calendar procedures. He asked if there were any members of the public or any Commissioners that wished to have any item removed. There were none.

The approval of the Consent Calendar was moved by Commissioner Surich and seconded by Vice Chair Rojas. The motion passed 5-0.

1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.
2. Approval of the Planning Commission Minutes of August 8, 2022.

PUBLIC HEARINGS

1. DULY NOTED PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF LA HABRA TO APPROVE GENERAL PLAN AMENDMENT 22-01 ADOPTING THE 2021-2029 (6th CYCLE) HOUSING ELEMENT OF THE LA HABRA GENERAL PLAN 2035.

Chair Munoz asked if any correspondence had been received in regards to the item. Secretary Lopez said no current correspondence had been received. A previous comment letter (prepared by the Kennedy Commission and dated August 4, 2021), was submitted when the first draft Housing Element was made public was re-printed and re-distributed at the dais for each of the Commissioners to have as a reference. All other comment letters received were included in the staff report as an attachment.

Deputy Director, Roy Ramsland presented the staff report. He mentioned that Mark Hoffman, of PlaceWorks, the City's consultant who worked on the Housing Element, was also present at the meeting and could answer questions that arise.

Chair Munoz asked if any of the Commissioners had any questions.

Commissioner Bernier asked if the City's Housing Element would be in full compliance by October 15. Deputy Director Ramsland stated that once the Department of Housing and Community Development (HCD) certifies the Housing Element, the City will be considered legally compliant.

Commissioner Surich asked when would HCD give their final approval. Deputy Director Ramsland responded that if the City Council adopts the Housing Element in September, staff will forward the document immediately thereafter to HCD for their approval.

Vice Chair Rojas asked if staff had addressed all of HCD's comments from their last review. Deputy Director Ramsland affirmed that their comments were addressed, but also stated that there are a number of new housing laws that have resulted in subjective requirements rather than objective standards to follow. The City found it challenging to agree with HCD on the interpretation of these new housing law requirements.

Chair Munoz asked if the housing programs identified in the Housing Element would be implemented upon receiving certification from HCD. Deputy Director Ramsland responded that all of the housing programs would become effective immediately after certification by HCD. Deputy Director Ramsland provided details on the City's Regional Housing Needs Assessment (RHNA) target numbers and explained that Accessory Dwelling Units (ADUs), which have been tracked since 2020, could qualify as low-income units. Chair Munoz questioned whether the City's Annual Progress Report (APR) which reflects the number of housing units built, would be presented to the Commission for their review.

Director Kim responded that the APR is typically presented to the City Council for review before it is sent to HCD. Chair Munoz asked if the Commission could view the APR to understand the status of the implementation of the various housing programs. Director Kim said that all APR submitted to HCD are available for public review on the HCD website.

Commissioner Surich asked how many ADUs the City has approved. Deputy Director Ramsland stated that 30 ADUs were approved this year and about 20 to 25 ADUs approved during each of the last two prior years. Deputy Director Ramsland re-iterated that these units will help the City meet our low, low-moderate and very low RHNA numbers. The Inclusionary Housing Ordinance which mandates that certain projects include a minimum number affordable units will also help the City meet these RHNA numbers.

Vice Chair Rojas asked if staff could specify how many low-income units, as required under the City's RHNA target, have been built. Deputy Director Ramsland said he did not have the information readily available, but staff could verify the quantity of low-income units and provide that information later.

Commissioner Bernier asked whether the housing programs listed in the Housing Element could be adjusted after the fact. Director Kim said they could be adjusted if HCD finds that they are not in compliance with State law, and that the Commission was making a recommendation to City Council to adopt the Housing Element as presented by staff. She explained that staff has had informal conversations with HCD to come up with implementation items that will be in compliance with State law. Commissioner Bernier asked about the high number of ADUs. Deputy Director Ramsland said that the numbers he stated regarding ADUs include those that have already been permitted or are about to get permitted. He said that the City revised the number of affordable ADU to 240. Staff believes that the ADUs will meet this target because staff surveys and documents the rental rates of those units. Commissioner Bernier asked if the City would be able to track that. Director Kim said that was correct and the number of ADUs would be tracked through the annual report that goes to HCD. She said that HCD has checks and balances to ensure the City is meeting all of its goals. Director Kim explained that the State enacted Senate Bill 35 (SB 35) to help further streamline housing construction in cities that are not meeting their RHNA targets. SB 35 basically limits a city's discretionary review authority. Mark Hoffman added further explanation regarding ADUs and stated that the City would monitor the production and affordability levels every year as part of the annual report. If there is a deficit in the number of affordable units, there are a number of options that the City could take to increase production and/or find additional sites to meet the affordability gap.

The Chair opened the public hearing and asked if there was anyone in the audience to speak in favor of the proposed project. There were none.

The Chair then asked if there was anyone wishing to speak in opposition of the project. There were none.

The Chair closed the public hearing and asked for discussion or a motion.

Moved by Commissioner Manley and seconded by Commissioner Bernier, Approving Resolution No. 22-37 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT 22-01 ADOPTING THE 2021-2029 (6th CYCLE) HOUSING ELEMENT OF THE LA HABRA GENERAL PLAN 2035 AS PER ATTACHMENT A.

The roll call vote was as follows:

AYES: COMMISSIONERS: MANLEY, BERNIER, SURICH, MUNOZ, ROJAS
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

2. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR ZONE CHANGE 22-02 FOR AN AMENDMENT TO TITLE 18 ZONING OF THE LA HABRA MUNICIPAL CODE (LHMC), CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, SECTION 18.12.140

OUTDOOR SEATING AREA, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS.

Chair Munoz asked if any correspondence had been received in regards to the item. Secretary Lopez said no correspondence had been received.

Assistant Planner, Michael O'Toole presented the staff report.

Chair Munoz asked if any of the Commissioners had any questions.

Commissioner Manly asked if the fees shown in the staff report include the fees the applicant pays for a parking study. Assistant Planner O'Toole said parking study fees are not included. Those are an additional cost to the operator. Commissioner Manley asked if staff knew what those fees were. Director Kim said that those fees vary since they are dependent on the location and the type of project. She further explained that the fees associated with an administrative approval and a Conditional Use Permit (CUP) differ based on costs for staff time, legal noticing and conducting a public hearing.

Commissioner Surich said she was very happy to see the outdoor dining amendment going forward because it enables many businesses to continue operations and stay in business, especially during the pandemic.

Vice Chair Rojas asked staff to identify the number of outstanding temporary outdoor dining permits that would need to be reviewed in order to make their outdoor dining area(s) permanent. Assistant Planner O'Toole said there are only four active temporary outdoor dining permits. Under the current code, two would qualify for and approval under an administrative adjustment and the other two would require a CUP modification. With the proposed code change, all four temporary outdoor dining permits could be approved via an administrative adjustment.

Chair Manley asked if all of the temporary outdoor dining area was taking place on private property. Director Kim said the City is currently working on a parklet program which would allow that type of outdoor dining experience in the public right-of-way. Staff is evaluating how parklets have been permitted in surrounding cities. Director Kim stated that there are a lot of challenges involved regarding parklets, but what is being discussed today is dining solely on private property.

Chair Munoz asked if the active temporary dining areas would be asked to make adjustments to make them safer and more permanent. Assistant Planner O'Toole said the applicants would be required to submit plans and those plans would be reviewed to make sure they comply with current zoning standards. Director Kim said that earlier this year, staff modified the standards for outdoor dining areas, requiring them to be higher quality than those that were approved at the beginning of the pandemic.

Chair Munoz opened the public hearing and asked if there was anyone in the audience to speak in favor of the proposed project. There were none.

The Chair then asked if there was anyone wishing to speak in opposition of the project. There were none.

The Chair closed the public hearing and asked for discussion or a motion.

Moved by Commissioner Bernier and seconded by Chair Munoz, Approving Resolution No. 22-38 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 22-02 TO AMEND TITLE 18 ZONING OF THE LA HABRA MUNICIPAL CODE (LHMC), CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, SECTION 18.12.140 OUTDOOR SEATING AREA, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS AS PER EXHIBIT "A."

The roll call vote was as follows:

AYES: COMMISSIONERS: BERNIER, MUNOZ, MANLEY, SURICH, ROJAS
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

COMMENTS FROM STAFF

Planning Manager Lui informed staff that there are no items to be considered at the next regularly scheduled meeting in September, therefore they could adjourn to September 26, 2022.

Director Kim introduced Baron Bettenhausen from the City Attorney's office, who will now be attending most Planning Commission meetings on behalf of the City. She encouraged the Commission to reach out to Attorney Bettenhausen if they have any legal questions. Director Kim also reminded the Commission that Deputy Director Ramsland's last official meeting will be September 26 and said he would be recognized at that last meeting for his impact on the City. There will also be a luncheon in his honor on October 6 and more information will follow.

COMMENTS FROM COMMISSIONERS

The Commission welcomed Attorney Bettenhausen and said he will be an asset.

ADJOURNMENT: 7:06 p.m.

Respectfully submitted,

Veronica Lopez,
Secretary